

REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action of March 29, 2004 ("Office Action"). Applicants appreciate the indication of allowable subject matter in Claims 20 and 21 but these claims have not been placed in independent form as Applicants submit that all the claims are patentable for at least the reasons discussed below.

Objection to Claim 14:

Claim 14 is objected to for an asserted redundant use of "insulating layer." Claim 14 has been amended above to address the objection. The amendment is not that suggested in the Office Action, for reasons that Applicants submit are apparent in light of the amendments above. Applicants request withdrawal of the objection to Claim 14.

Claims 14-19 Are Patentable Over the Cited Art:

Claims 14-19 stand rejected under 35 U.S.C. § 102 as anticipated by United States Patent No. 6,083,785 to Segawa *et al.* ("Segawa"). The Office Action cites to Col. 8, line 65 through Col. 10, line 10 and Figures 1a-1g of Segawa as disclosing all of the recitations of independent Claim 14. Applicants submit that these rejections should be withdrawn at least as Segawa fails to disclose a low resistive layer that both defines an upper electrode of a capacitor and part of a resistor pattern at a location displaced from the upper electrode.

The Office Action asserts that the upper electrode film 6b of Segawa discloses the recited low resistive layer of Claim 14, the sidewalls 8 disclose the insulating layer and that the ILD, presumable referring to the top layer in Figure 1g through which the contacts 13 extend, discloses the high resistive layer. Office Action, p. 2. Even allowing that the film 6b of Segawa is a low resistive layer defining an upper capacitor electrode, it appears to nowhere form part of a resistive pattern in a region displaced from the upper electrode. *See, e.g.*, top planar views of Figure 2a-2c. The resistor film described in Segawa is film 4a. This film, as shown in Fig. 1d of Segawa, is below the upper electrode film, in other words, it is not a layer

formed on an insulating layer formed on a low resistive layer defining an upper capacitor electrode as recited for the high resistive layer of Claim 14. The ILD relied on in the Office Action, while above the upper electrode film 6b, is not disclosed as being part of a resistor pattern in combination with the other layers relied on in the rejections, nor would such a structure be inherent in light of the disclosure of Segawa.

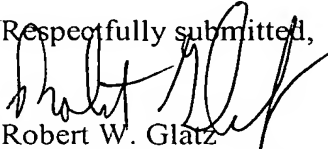
Furthermore, the resistor layer 4a is in the same region as the upper electrode film 6b, not "in a region ... displaced from the upper capacitor electrode" as recited in Claim 14. Similarly, the Office Action fails to assert or describe how the ILD, in combination with the other cited layers, forms a resistor pattern in a region displaced from the upper electrode film 6b. Accordingly, the rejection of Claim 14, and Claims 15-19 that depend therefrom, as anticipated by Segawa should be withdrawn for at least these reasons.

The Newly Added Claims are Patentable Over the Cited Art:

Newly added Claims 33-39 include various recitations corresponding to recitations of method claims allowed in the parent application of the present divisional application. In addition to being patentable for substantially the same reasons as discussed above with reference to Claim 14, these claims are also separately patentable based on the recitations found therein.

CONCLUSION

Applicants respectfully submit that, for the reasons discussed above, the reference cited in the present rejections does not disclose or suggest the present invention as claimed. Accordingly, Applicants respectfully request allowance of all the pending claims and passing this application to issue.

Respectfully submitted,

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